

PATENT

**CERTIFICATE OF ELECTRONIC TRANSMISSION**

I hereby certify that this correspondence is being electronically transmitted via EFS-WEB on September 22, 2008.

  
David J. Josephic  
Reg. No. 22,849

September 22, 2008

Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No.: 10/790,643  
Filed: March 1, 2004  
Examiner: Robinson, Daniel Leon  
Confirmation No.: 9762  
Art Unit: 3742  
Applicant[s]: Ronnie Howard, Frank D. Lauch  
Title: Method and Apparatus for Dispensing a Liquid Beverage Containing Real Milk Solids  
Atty. Doc.: MTECH-11

Cincinnati, Ohio 45202

September 22, 2008

MAIL STOP Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REPLY TO OFFICIAL ACTION**

This Reply is responsive to the Office Action mailed September 8, 2008, setting forth an Election/Restrictions Requirement.

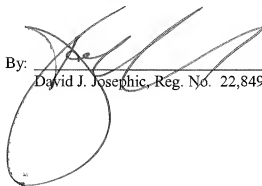
Responsive to the Group Restriction Requirement, Applicants hereby elect Method Group 1, namely, claims 1-2, 4, 5, 7, 9, 11, and 13-14. Furthermore, responsive to the species election requirement, Applicants hereby elect species B, of water, stabilizer and ambient temperature and pressure.

Furthermore, claims encompassing the elected species B include: All the claims of Group 1, namely, 1, 2, 4, 5, 7, 9, 11, and 13-14. Claim 1 is generic.

Applicants hereby make the elections without waiver of the right of rejoinder.

If any questions arise concerning the further prosecution of this case, the Examiner is encouraged to contact the undersigned attorney.

Respectfully submitted,  
WOOD, HERRON & EVANS, L.L.P.

By:  \_\_\_\_\_  
David J. Josephic, Reg. No. 22,849

Wood, Herron & Evans, L.L.P.  
2700 Carew Tower  
441 Vine Street  
Cincinnati, OH 45202-2917  
Voice: (513) 241-2324  
Facsimile: (513) 241-6234